UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,402	07/16/2003	William J. Semper	SAMS01-00261	2926

7590 08/25/2009

Docket Clerk
P.O. Box 800889
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EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
08/25/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/620,402	SEMPER ET AL.
	Examiner	Art Unit	
	MICHAEL T. VU	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-21* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.　　Applicant's arguments, see Remark, filed 02/27/2009, with respect to the rejection(s) of claim(s) 1-21 under 103(a), and 103 (a) have been fully considered and are persuasive.　Therefore, the rejection has been withdrawn.　However, upon further consideration, a new ground(s) of rejection is made in view of Chandrashekhar (US 2003/0140131), and Virtanen (US 6,879,834).

Claim Rejections - 35 USC § 103

2.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.　　**Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandrashekhar (US 2003/0140131) in view of Virtanen (US 6,879,834).**

　　　Regarding claims 1, 8 and 15, Chandrashekhar teaches for use in a wireless network (Figure #16, Wireless Network), a method of providing quality-of-service (QoS) functions to a mobile station accessing the wireless network (QoS functions, [0031-0032]), the method comprising the steps of: receiving from the mobile station a packet data call initiation signal (Mobile Device connected to Network, Fig. #16, [0108-0112]);

sending an authorization request corresponding to the mobile station (End-user request

to a network element, [0030-0034]); receiving an authorization message [0030-0034]

and quality-of-service profile corresponding to the mobile station (End-user accessed

service, [0030-0034], QoS profile, [0085]); receiving application information

corresponding to the mobile station [0030-0031]; and

But Chandrashekhar does not explicitly teach determining quality-of-service

parameters according to the quality-of-service profile and the application information,

wherein the mobile station thereafter communicates according to the quality-of-service

parameters.

However, Virtanen teaches determining quality-of-service parameters according

to the quality-of-service profile (Col. 5, line 14 to Col. 6, line 6) and the application

information (Customized Applications for Mobile Network, Col. 7, lines 1-21), wherein

the mobile station thereafter communicates according to the quality-of-service

parameters (Col. 2, line 40 to Col. 3, line 24), and (Col. 5, line 14 to Col. 6, line 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Chandrashekhar, with Virtanen's teaching, in

order to provide the mobile user that desired quality of the transmission connection from

one network to the different network resources for saving cost and/or for maximizing

value of quality of service parameter.

Regarding claim 2, Chandrashekhar and Virtanen teach the method of claim 1,

wherein the packet data call initiation signal is received in a base station controller (BTS

Col. 3, lines 46-52) of Virtanen.

Regarding claim 3, Chandrashekhar and Virtanen teach the method of claim 1, wherein the quality-of-service profile is stored on an authorization server (Fig. #3, Authentication Server #45, [0038-0041]) of Chandrashekhar, and (Service from the network operator=server, Col. 1, lines 37-67) of Virtanen.

Regarding claim 4, Chandrashekhar and Virtanen teach the method of claim 1, wherein the quality-of-service parameters are sent to a packet data serving node (Fig. #1, Packet-switched, or route data, Col. 1, lines 37-67, Col. 3, lines 46-67) of Virtanen.

Regarding claim 5, Chandrashekhar and Virtanen teach the method of claim 1, wherein the application information includes an application data class (Quality of service of data transmission based on service parameters and protocols (Col. 1, lines 8-14, Col. 4, lines 4-29) of Virtanen.

Regarding claim 6, Chandrashekhar and Virtanen teach the method of claim 1, wherein the quality-of-service profile includes delay, maximum data rate, and data loss rate information (Col. 5, lines 14-28) of Virtanen.

Regarding claim 7, Chandrashekhar and Virtanen teach the method of claim 1, wherein quality-of-service parameters are determined by a quality-of-service control component (See BTS controller, Col. 1, lines 37-67) of Virtanen.

Regarding claim 9, Chandrashekhar and Virtanen teach the call management system of claim 8, wherein the QoS controller is a part of a base station controller (See BTS controller, Col. 1, lines 37-67) of Virtanen.

Regarding claim 10, Chandrashekhar and Virtanen teach the call management system of claim 8, wherein the quality-of-service profile is stored on an authorization server (Fig. #3, Authentication Server #45, [0038-0041]) of Chandrashekhar.

Regarding claim 11, Chandrashekhar and Virtanen teach the call management system of claim 8, wherein the quality-of-service parameters are sent to a packet data serving node (Fig. #1, Packet-switched, or route data, Col. 1, lines 37-67, Col. 3, lines 46-67) of Virtanen.

Regarding claim 12, Chandrashekhar and Virtanen teach the call management system of claim 8, wherein the application information includes an application data class (Quality of service of data transmission based on service parameters and protocols (Col. 1, lines 8-14, Col. 4, lines 4-29) of Virtanen.

Regarding claim 13, Chandrashekhar and Virtanen teach the call management system of claim 8, wherein the quality-of-service profile includes delay, maximum data rate, and data loss rate information (Col. 5, lines 14-28) of Virtanen.

Regarding claim 14, Chandrashekhar and Virtanen teach the call management system of claim 8, wherein the QoS controller determines the quality-of-service profile using a quality-of-service control component (See BTS controller, Col. 1, lines 37-67) of Virtanen.

Regarding claim 16, Chandrashekhar and Virtanen teach the wireless network of claim 15, wherein the QoS controller is a part of a base station controller (See BTS controller, Col. 1, lines 37-67) of Virtanen.

Regarding claim 17, Chandrashekhar and Virtanen teach the wireless network of claim 15, wherein the quality-of-service profile is stored on an authorization server (Fig. #3, Authentication Server #45, [0038-0041]) of Chandrashekhar.

Regarding claim 18, Chandrashekhar and Virtanen teach the wireless network of claim 15, wherein the quality-of-service parameters are sent to a packet data serving node (Fig. #1, Packet-switched, or route data, Col. 1, lines 37-67, Col. 3, lines 46-67) of Virtanen.

Regarding claim 19, Chandrashekhar and Virtanen teach the wireless network of claim 15, wherein the application information includes an application data class (Quality of service of data transmission based on service parameters and protocols (Col. 1, lines 8-14, Col. 4, lines 4-29) of Virtanen.

Regarding claim 20, Chandrashekhar and Virtanen teach the wireless network of claim 15, wherein the quality-of-service profile includes delay, maximum data rate, and data loss rate information (Col. 5, lines 14-28) of Virtanen.

Regarding claim 21, Chandrashekhar and Virtanen teach the wireless network of claim 8, wherein QoS controller determines the quality-of-service profile using a quality-of-service control component (See BTS controller, Col. 1, lines 37-67) of Virtanen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/
Examiner, Art Unit 2617